

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4033

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN MILLER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Dennis W. Shedd, District Judge. (CR-02-133-DWS)

Submitted: June 30, 2003

Decided: September 2, 2003

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen B. Burnside, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. J. Strom Thurmond, Jr., United States Attorney, William K. Witherspoon, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kevin Alexander Miller was convicted by a jury of being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g)(1) (2000) and sentenced, under 18 U.S.C.A. § 924(e) (West Supp. 2003), to 236 months imprisonment. On appeal, he raises one issue: whether the district court erred by declining his proffered jury instruction regarding whether he knowingly possessed the ammunition.

We do not find that the district court abused its discretion by declining to issue the disputed instruction. United States v. Abbas, 74 F.3d 506, 513 (4th Cir. 1996). The instruction the district court used was adequate and accurate, United States v. Pupo, 841 F.2d 1235, 1240 (4th Cir. 1988), and its decision to deny the instruction did not constitute reversible error. United States v. Lewis, 53 F.3d 29, 32-33 (4th Cir. 1995). Accordingly, we affirm.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED